

REMARKS

Applicants amend independent claims 1 and 15 and dependent claims 5, 6, and 16. The amended claims introduce no new matter and are fully supported by the specification. Accordingly, Applicants respectfully request examination of pending claims 1-20.

Claim Rejections Under 35 U.S.C. § 102(e)

The Examiner rejected claims 1-4 and 7-10 as being anticipated by Korst (U.S. Patent No. 6,415,328). Applicants amend independent claims 1 and 15 and further, direct the Examiner's attention to the recitation of "mirroring system" in independent claims 7 and 11. In contrast with the recited features in the independent claims, Korst does not disclose that drives are parts of a *mirroring system* or that disks *mirror* each other. Specifically, there is no disclosure of a "mirroring system" in the reference. Accordingly, because Korst does not disclose all the features in the claimed invention, Applicants request the withdrawal of the 35 U.S.C. § 102(e) rejection for claims 1-4 and 7-10.

Claim Rejections Under 35 U.S.C. § 103(a)

Further, the Examiner rejected claims 5, 6 and 11-20 under 35 U.S.C. § 103(a) as being unpatentable over Korst in view of Menon, Riegel and Wyllie. Applicants respectfully traverse the rejection over Korst in view of Menon, Riegel and Wyllie.

Applicants direct the Examiner to the recitation of the *mirrored system* in the claimed invention. To one of ordinary skill in the art, the mirrored system is a system where each disk in the system is a duplicate of the other disk. Thus, all the disks in the mirrored system are identical.

To establish a prima facie case of obviousness, there must be some suggestion or motivation either in the references or in the knowledge of one of ordinary skill in the art to combine the references such that there is a reasonable expectation of success and *the references must teach or suggest all the claim limitations* (MPEP 2143; MPEP 2143.03). Applicants respectfully submit that the recited claims are allowable and request the withdrawal of the 35 U.S.C. § 103(a) rejection.

Specifically, Korst discloses multiple times that “data is striped across all disks in the array.” Korst at col. 1, line 56; col. 2, line 5; col. 4, lines 13-17; col. 6, line 9. Further, the reference discloses “[o]bviously it is preferred that a block which is stored multiple times is stored each time in a different storage unit, since otherwise the multiplication does not result in an improvement of the load balance.” Korst at col. 10, lines 63-66. Thus, the reference teaches that data is striped and not mirrored, and although data may be duplicated between disks, the duplication does not always occur to the same disks. Because data is non-deterministically striped across disks, the disks do not form a *mirrored system*. Further, to one of ordinary skill in the art, mirroring and striping are two different paradigms for storing data on a set of disks. Because Korst teaches striping and does not teach *mirroring*, Korst does not teach or suggest a mirroring system.

Moreover, Korst illustrates in Figure 6 the effect of duplicating blocks on disks from no duplication to full duplication. As disclosed by the reference in col. 19, lines 24-27, “a duplication degree ranging from approximately 60-80% gives already good results.” Further, the reference teaches, “particularly for larger systems, the level of over-dimensioning can be lowered even further.” Col. 19, lines 41-42. Thus, Korst does not teach a mirroring system as recited by the claimed invention because

Korst teaches lowering the duplication from full duplication of blocks to some smaller percentage of full duplication.

Regarding Menon, Riegel and Wyllie, the reference teaches RAID Level 5 arrays, which implements block level striping across disks with distributed parity information. Because Menon, Riegel and Wyllie teaches striping and not mirroring, the reference does not teach or suggest the recited features of the claimed invention. Thus, Applicants submit that claims 5, 6 and 11-20 are allowable over Korst in view of Menon, Riegel and Wyllie.

Accordingly, Applicants respectfully request a Notice of Allowance based on the foregoing remarks. If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6900. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. ADAPP207). A copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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